IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.13604 of 2004

Between:

1. Meharunnisa Begum, W/o.Late Mohammed Ali Jinnah, 46 years,
   R/o.D.No.41/572-A, Kothapeta, Kurnool, Kurnool District.

2. Jamrud Sultana, D/o.Late Bande Gulam Nabi, 32 years,
   R/o D.No.41/572-A, Kothapeta, Kurnool, Kurnool District.

...PETITIONERS

AND

1. The District Collector, Kurnool District, Kurnool.

2. The Kurnool Municipal Corporation, represented by its Commissioner, Kurnool, Kurnool District.

3. The Stantanpuram Gram Panchayat, Mamidalapadu Village, Kurnool Mandal, Kurnool District represented by its Executive Officer.

4. The Deputy Superintendent of Police, Kurnool, Kurnool District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the impugned action of the respondents 2 and 3 in interfering

with the possession and enjoyment of the petitioners land in Survey No.79 situated in Stantanpuram Gram Panchayat, Mamidalapadu Village, Kurnool Mandal, Kurnool District in spite of decree made in favour of the petitioners in O.S.No.66/98 on the file of the Additional Senior Civil Judge, Kurnool vide orders dated 28.04.2000 as highly illegal, arbitrary and violative of Article 14 of the Constitution of India.

Counsel for the Petitioners: MR.G.V.SHIVAJI

Counsel for the Respondent Nos.1, 3 and 4: GP FOR REVENUE

Counsel for the Respondent No.2: Sri A.Sridhar, Standing Counsel for Municipal Corporation.

The Court at the admission stage made the following:

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ORDER:

The petitioners herein claim to be the owners of land of an extent of Acs.3.30 cents in Survey No.79 of Mamidalapadu Village. According to them, the property was gifted by their mother under registered gift deeds. The petitioners filed a suit in O.S.No.66 of 1998 on the file of the Additional Principal Senior Civil Judge, Kurnool alleging that the Gram Panchayat, Stantanpuram, tried to interfere with the petitioners' possession. The same was decreed on 28.04.2000. The petitioners filed E.P.No.290 of 2000. Again the petitioners filed O.S.No.1177 of 2002 on the file of the Principal Junior Civil Judge, Kurnool against one SK.Jilani, alleging threat of dispossession. The petitioners also allege that when the Commissioner of Kurnool Municipal Corporation, the second respondent herein dug a drainage canal, they again filed O.S.No.528 of 2004, which is still pending. It is now alleged that respondent Nos.2 and 3, at the biggest of rivals of the petitioners came and marking the portions in the petitioners' property and building for laying a road. Apprehending the coercive dispossession for the said purpose, the petitioners filed the present Writ Petition to declare the action of respondent Nos.2 and 3 in interfering with the petitioners' possession as illegal and arbitrary.

The matter was called yesterday in the motion list. This Court directed Sri A.Sridhar, learned Standing Counsel for Kurnool Municipal Corporation for getting instructions in the matter. Today, after getting instructions, the learned Standing Counsel submits that the Writ Petition is filed on mere apprehension and the Municipal Corporation has not taken any action for laying road and the Corporation has no intention of laying road. The same is recorded and the Writ Petition is liable to be dismissed as it is filed on mere apprehension.

The Writ Petition is accordingly dismissed.

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(V.V.S.RAO, J)

4th August 2004

RRB

Copies to:

1. The District Collector, Kurnool District, Kurnool.
2. The Commissioner, Kurnool Municipal Corporation, Kurnool, Kurnool District.
3. The Executive Officer, Stantanpuram Gram Panchayat, Mamidalapadu Village, Kurnool Mandal,
   Kurnool District.
4. The Deputy Superintendent of Police, Kurnool, Kurnool District.
5. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
6. Two CD copies.